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6 Attorneys for Defendants
THE GAP, INC., a/k/a, GAP, INC., GAP INTERNATIONAL
7 SALES, INC., BANANA REPUBLIC, LLC, and OLD NAVY,
LLC
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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 ROOTS READY MADE GARMENTS CO.
W.L.L.,

14 Plaintiff,
15

16 v.

17 THE GAP, INC., a/k/a, GAP, INC., GAP
INTERNATIONAL SALES, INC., BANANA
18 REPUBLIC, LLC, AND OLD NAVY, LLC

19 Defendants.
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No. C 07-03363 CRB

**DECLARATION OF ROSE DARLING IN
SUPPORT OF GAP'S REPLY RE
MOTION FOR PROTECTIVE ORDER**

Date: October 19, 2007

Time: 10:00 a.m.

Dept: 8

Judge: Honorable Charles R. Breyer

1 I, ROSE DARLING, declare and say that:

2 1. I am an attorney licensed to practice law in the State of California and before this
3 Court and am an associate at Kecker & Van Nest, LLP, counsel for defendants The Gap, Inc.,
4 a/k/a, Gap, Inc., Gap International Sales, Inc., Banana Republic, LLC, and Old Navy, LLC
5 (collectively “Gap”).

6 2. I have knowledge of the facts set forth herein, and if called to testify as a witness
7 thereto, could do so competently under oath.

8 3. On September 20, 2007, I participated in a Rule 26(f) phone conference with
9 Roots’ counsel Bradley Nash. During that call, we discussed, among other things, alternate
10 dispute resolution and a discovery plan. Mr. Nash asked whether Gap would agree to a two-
11 week extension on the early discovery that Gap had served on August 23, 2007. I told Mr. Nash
12 that Gap would treat its August 23 requests as having been served on September 20, 2007—the
13 day that we were meeting and conferring as per Rule 26(f). Attached hereto as **Exhibit A** is a
14 true and correct copy of an email from Mr. Nash to me, dated September 22, 2007, in which he
15 confirms the parties’ understanding that Gap would treat the early discovery it served on August
16 23, 2007 as having been served on September 20, 2007.

17 4. On October 3, 2007, Mr. Nash and I spoke again to discuss a discovery plan and
18 the content of our joint proposed case management statement, which was due on October 9,
19 2007. Mr. Nash proposed a September 2008 trial date and a fact discovery cut-off of late March
20 2008. In order to assess the reasonableness of his proposal, I asked Mr. Nash if he could
21 estimate the volume of additional discovery that Roots would produce, in addition to the
22 documents that it had already produced in late August prior to the Paris depositions. Mr. Nash

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1 said that he was continuing to collect relevant documents, and that he expected that Roots would
2 make at least one other “substantial document production.”

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct and that this declaration was executed on October 5, 2007 in San
5 Francisco, California.

6
7 /s/ Rose Darling
ROSE DARLING